

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Brandon KIRK

Case: 2:21-mj-30208
Case No. Assigned To : Unassigned
Assign. Date : 5/4/2021
USA V. SEALED MATTER (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 11, 2020 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1)

Felon in possession of a firearm

This criminal complaint is based on these facts:

Continued on the attached sheet.



Complainant's signature

Special Agent Andrea Rossman - ATF

Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: May 4, 2021



Judge's signature

City and state: Detroit, Michigan

Honorable Kimberly G. Altman, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Andrea T. Rossman, being duly sworn, hereby depose and state the following:

I. INTRODUCTION AND BACKGROUND

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I began my employment as a Special Agent in March of 2014. I am assigned to Group III in the Detroit Field Division. I have conducted or participated in numerous criminal investigations including firearms offenses, illegal drug distribution, arson, bank fraud, mortgage fraud, wire fraud, and organized crime/criminal street gangs. I have specialized law enforcement training from classes on digital intelligence, social media, and telephone exploitation. I have a Bachelors Degree in Criminal Justice from Michigan State University and a Masters Degree from the University of Denver. I completed both the Criminal Investigator Training Program and Special Agent Basic Training at the Federal Law Enforcement Training Center.

2. This affidavit is based on my personal knowledge of this investigation, including witness interviews, communications with others

who have personal knowledge of the events, and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all information known to law enforcement related to this investigation.

3. I am currently investigating Brandon KIRK (DOB XX/XX/1984) for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).

4. During this investigation, I reviewed data from the National Crime Information Center (NCIC) which showed KIRK has been convicted of the following felony offenses:

- a. April 8, 2013 – Felony Police Officer Assaulting / Resisting / Obstructing, 14th Circuit Court of Michigan.
- b. September 16, 2013 – Felony Operating While Intoxicated / Impaired, 3rd Offense, 14th Circuit Court of Michigan.
- c. November 3, 2015 – Felony Police Officer Assaulting / Resisting / Obstructing (2 Counts), 14th Circuit Court of Michigan.

- d. February 1, 2018 – Felony Operating While Intoxicated / Impaired, 3rd Offense, 14th Circuit Court of Michigan.
- e. May 10, 2018 – Operating While Intoxicated / Impaired, 3rd Offense, 14th Circuit Court of Michigan.

II. PROBABLE CAUSE

5. On December 11, 2020, at approximately 12:03 a.m., Detroit Police Officers responded to 2520 Central Street in Detroit in the Eastern District of Michigan after a 911 caller had reported that an African-American male was shooting a firearm in the rear parking lot of the apartment building at 2520 Central Street. When the officers arrived at the location, they saw KIRK, an African-American male who generally matched the description of the person shooting the weapon. The officers told KIRK to keep his hands visible, and then KIRK threw an open gym bag approximately five to ten feet away from himself before raising his hands. Officers next placed KIRK in handcuffs.

6. A Detroit Police Sergeant arrived on scene. After observing a firearm next to the open gym bag thrown by KIRK, the Sergeant informed his fellow officers about the firearm. After the Sergeant made this

statement, one of the other officers heard KIRK state, "Yeah, yeah, you got it."

7. Officers recovered the firearm, which was a Hi-Point, Model JHP, .45 Caliber pistol, Serial Number X4216671 with an attached laser. The firearm was loaded with six live rounds, five (5) of which were Blazer .45 Auto caliber brass ammunition and one (1) of which was a live round of JAG .45 Auto caliber ammunition. From the rear of the apartment building, near where the officers had first observed KIRK, officers also located and recovered one (1) Blazer .45 Auto caliber brass spent shell casing.

8. Officers also searched the gym bag thrown by KIRK, locating a fifty-count box of Blazer .45 Auto caliber brass ammunition containing 44 of 50 live rounds, which would account for the five (5) live rounds of Blazer .45 Auto caliber ammunition loaded into the Hi-Point, Model JHP, .45 Caliber pistol, as well as the one (1) spent shell casing recovered by officers at the rear of the apartment building. Officers also located a small clear Ziploc bag containing what appeared to be marijuana. Subsequently, KIRK was arrested and transported to the Detroit Detention Center.

9. I have consulted with ATF Special Agent Joshua McLean, an ATF Firearms Interstate Nexus expert, and he determined the above described firearm was manufactured outside the state of Michigan, and therefore the firearm has traveled in and affected interstate or foreign commerce. He also determined the firearm is a “firearm” as defined in Chapter 44, Title 18 U.S.C. § 921.

III. CONCLUSION

10. Probable cause exists that BRANDON KIRK possessed a firearm in violation of 18 U.S.C. § 922(g)(1).



Andrea T. Rossmann
Special Agent, ATF

Sworn to before me and signed in my presence and/or by reliable electronic means.



HONORABLE KIMBERLY G. ALTMAN
UNITED STATES MAGISTRATE JUDGE

Date: May 4, 2021